

52



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,288	07/12/2001	Klaus Rodemer	DVB-110J	2056

7590 08/26/2004

IANDIORIO & TESKA
INTELLECTUAL PROPERTY LAW ATTORNEYS
260 BEAR HILL ROAD
WALTHAM, MA 02451-1018

EXAMINER

KNOWLIN, THUAN P

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/904,288	RODEMERT ET AL.	
	Examiner	Art Unit	
	Thjuan P Knowlin	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/12/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 16-20 and 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Cipolla et al (US 6,438,247).
2. In regards to claim 16, Cipolla discloses a microphone mounting for a hands-free system in a vehicle having a seatbelt with a deflection triangle comprising: a microphone (microphone 9), and a microphone carrier (slider 8) to hold the microphone in an operative position near the head of a person speaking on the phone, said microphone carrier connected to the seat belt (seatbelt 1) of the automotive vehicle such that when the belt is fastened the microphone rests in the neck-shoulder portion of the person (Fig. 1, col. 1 lines 60-67, and col. 3 lines 3-16).
3. In regards to claim 17, Cipolla discloses the microphone mounting, wherein said microphone carrier is a sheath which is mounted on the deflection triangle of the seat belt and through which the seatbelt passes freely (col. 3 lines 3-16 and col. 3 lines 27-36).

4. In regards to claims 18 and 19, Cipolla discloses the microphone mounting, wherein said sheath is formed by two flat sleeves each having a free end, said sleeves displaced relative to one another in telescopic fashion and fixed, one of said sleeves hinged at its free end to said deflection triangle, said microphone received on said other sleeve (Fig. 1, Fig. 2, and Fig. 3).

5. In regards to claim 20, Cipolla discloses the microphone mounting, wherein said microphone has a directional characteristic whose sensitivity maximum in the operative position is directed towards the mouth of the person speaking on the phone (col. 1 lines 60-62).

6. In regards to claim 22, Cipolla discloses a hands-free for mounting on the seatbelt of a vehicle, wherein said microphone is provided at the portion of the microphone facing the seatbelt with contacts for contacting counter-contacts provided on the seatbelt and connected to conducting wires (microphone wire 14) integrated into the seatbelt (Fig. 2, Fig. 3, Fig. 4 and col. 4 lines 4-27).

7. In regards to claims 23, 24, 25, 26, and 27, Cipolla discloses the hands-free microphone, further including fastening plates arranged at both sides of the seatbelt and connected to one another through an opening in the seatbelt in a non-rotational manner with respect to the seatbelt, said counter-contacts mounted on the fastening plate at the microphone side and connected through said fastening plate to said conducting wires (Fig. 2, Fig. 3, and Fig. 4).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cipolla et al (US 6,438,247).
9. Cipolla discloses all of claim 21 limitations, except the microphone mounting, wherein said microphone carriers are provided on the seatbelts of a plurality of seats. Cipolla, however, does disclose the microphone carrier being mounted on at least one seat (Fig. 1). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate microphone carriers on the seatbelts of a plurality of seats, as a way of providing multiple passengers of the vehicle with the ability to use the hands-free microphone device.
10. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cipolla et al (US 6,438,247), in view of Shreve et al (US 6,760,454).
11. Cipolla discloses all of claims 28, 29, and 30 limitations, except the hands-free microphone, wherein a plurality of microphones are arranged along the seatbelt and connected to a selection circuit switch which selects the microphone for transmission that supplies the signals best suited for speech communication according to predetermined criteria. Shreve, however, does teach the hands-free microphone, wherein a plurality of microphones are arranged along the seatbelt and connected to a selection circuit switch which selects the microphone for transmission that supplies the

Art Unit: 2642

signals best suited for speech communication according to predetermined criteria (col. 3 lines 30-41). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ multiple microphones along the seatbelt, as a way of increasing the microphone unit's reception sensitivity, therefore, providing better signals and enhanced speech communication.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Finn et al (US 6,505,057) teach an integrated vehicle voice enhancement system and hands-free cellular telephone system.

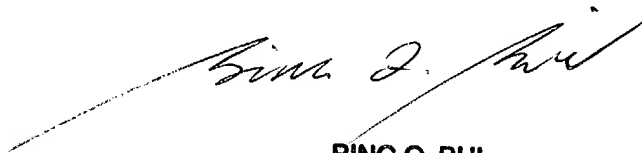
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2642

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

BING Q. BUI
PRIMARY EXAMINER